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C O N F I D E N T I A L SEOUL 003157

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E.O. 12958: DECL: 9/12/2016  
TAGS: [PREL](#) [KS](#) [JA](#)  
SUBJECT: KOREA-JAPAN ONE-TIME AGREEMENT ON SEABED SURVEY

Classified By: Joseph Y. Yun. Reasons 1.4 (b/d).

SUMMARY

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11. (C) Japanese Embassy Seoul explained that the GOJ approached the September 5-9 negotiations with the ROKG about conducting scientific surveys in the disputed seas around the Liancourt Rocks with determination, informing the ROK that Tokyo was prepared to ask for international arbitration if necessary. While the agreement only covers one joint survey, probably to be conducted in October, the Embassy said that the agreement prevented a crisis and paved the way for improved relations with the ROK as Japan prepares for a new government. "Complex" bilateral exclusive economic zone (EEZ) discussions will be held in December, our Japanese Embassy contact said. End Summary.

ONE-TIME AGREEMENT

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12. (U) Japan and the ROK agreed on September 9 to conduct a one-time joint survey of the seabed around the disputed Liancourt Rocks (called Dokdo by Korea; Takeshima by Japan) in the Sea of Japan/East Sea roughly equidistant between the two countries. Technical teams from both countries are in Japan this week to work out the details and date of the survey, expected to be in October, after formation of the new Japanese government and before the seas get too rough. The International Atomic Energy Association (IAEA) is also expected to participate in the survey.

13. (U) The agreement calls for one vessel from each country to perform the joint survey; Japanese researchers will board the Korean scientific vessel, and vice versa. The researchers will likely proceed first to three seabed sites that are inside the oval-shaped disputed EEZ area around the Liancourt Rocks, and then to three additional seabed sites inside undisputed Japanese waters (sketch faxed to EAP/K). The first three sites are where the GOJ conducted once-yearly scientific surveys from 1994 until 2004, with no publicity or protest from the Korean side. Ostensibly for the sake of its data series, Japan has insisted on returning to the three sites. The Japanese announcement of a planned survey in April 2006 -- never carried out -- provoked a bilateral crisis, leading both sides to agree to work out an agreement. The novel part of the September 9 agreement is that the two governments also agreed that the two-vessel survey would also proceed to three seabed sites that are inside undisputed Japanese territorial waters. The agreement was apparently reached at 5 AM on September 9 after an all-night session at

MOFAT.

#### HOW THEY GOT THERE

14. (C) Japanese PolCouns Yasushi Yamamoto explained that the GOJ approached this set of negotiations determined to reach agreement on a scientific survey. He said a MOFA DG spent all summer preparing a telephone-book-size dossier backing up Japan's legal right to conduct the surveys. At one point in the negotiation, the Japanese side put the dossier on the table and told the ROKG side that Japan would seek international arbitration under the United Nations Convention on the Law of the Sea if no agreement could be reached. "We showed them the gun but we did not pull the trigger."

15. (C) Yamamoto said that MOFAT saw the arbitration threat as so sensitive that they did not want the Blue House to know about it; instead they began negotiating in earnest. Yamamoto clarified that the arbitration request, had it been carried out, would not have been a request to settle the territorial or EEZ dispute, but to affirm that the GOJ has the right to conduct scientific surveys in the disputed waters. But, he said, MOFAT knew that the Korean public would not have recognized the distinction and would have been inflamed at the idea of international arbitration taking up this emotional territorial issue.

16. (C) Yamamoto did not provide detail on how the two sides arrived at their agreement for the one-time joint survey, but he did say that the Korean side came up with the breakthrough idea of conducting the survey not only at the three seabed sites inside the disputed waters, but also at three additional seabed sites in Japanese waters. The three additional sites were arbitrary: the Korean negotiator had taken a pen and drawn three dots on the map. From the Japanese point of view, the three additional sites were a waste of resources, since there was no known radioactive contamination there and since there is no data series for comparison. But Japan recognized the political value of Korea being able to point to three sites in what were clearly Japanese waters, in addition to the three sites that Korea considered were in Korea's EEZ.

17. (C) Japanese Ambassador Shotaro Oshima told the Ambassador at a September 11 breakfast that Japanese Vice Minister of Foreign Affairs Shotaro Yachi, who was in Seoul last week for the decisive period of the negotiations, has good ties to Japanese Chief Cabinet Secretary, and expected next Prime Minister, Shinzo Abe, and called Abe late in the negotiations to get his approval of the deal.

#### NEXT STEPS ON EEZ

18. (C) While Yamamoto expressed satisfaction and relief that the joint survey agreement was reached, he suggested that problems remained. Japan had wanted the written agreement to include a statement to the effect that neither country would conduct further surveys without the other until EEZ negotiations are complete. The ROK refused to have this written, leaving it as a kind of "gentleman's agreement."

19. (C) Yamamoto claimed no expertise on planned bilateral EEZ negotiations, saying only that a formal negotiation session was expected by year's end. He said that he expected the EEZ process to be long because the conflicting claims were complicated, and both countries' parliaments would have to ratify the resulting treaty.

#### COMMENT

10. (C) This is a major achievement, introducing a modus vivendi that will remove, at least for the short term, a major irritant in the ROK-Japan relationship. South Korean diplomats are very eager to get this issue behind them. The problem has always been President Roh Moo-hyun, who has a

tendency to play to traditional anti-Japanese sentiments in Korea. We understand that it took several days for roh to give his nod to this agreement.

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